IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 13TH JULY 2007 / 22ND ASHADHA 1929

Bail Appl..No. 4132 of 2007()

CRIME NO.70 OF 2007 OF KODANCHERY POLICE STATION

: ACCUSED NOS. 1 TO 3;

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1. SABURAJ K.M. @ SABU, S/O.MATHEW,
AGED 32 YEARS, KUNNUMPURATH HOUSE, VENAPPARA P.O.,
KOODATHAI AMSOM AND DESOM.

2. MATHEW KUNNUMPURATH, S/O.JOSEPH,
AGED 58 YEARS,KUNNUMPURATH HOUSE, VENAPPARA P.O.,
KOODATHAI AMSOM AND DESOM.

3. ROSAMMA MATHEW, W/O.MATHEW AGED 55 YEARS
KUNNUMPURATH HOUSE, VENAPPARA P.O.,
KOODATHAI AMSOM AND DESOM.

BY ADV. SRI.SUNNY MATHEW

RESPONDENTS: COMPLAINANT;

STATE OF KERALA THROUGH THE SUB
INSPECTOR OF POLICE, KODANCHERY POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.;S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 13/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.4132 of 2007

Dated this the 13th day of July, 2007

ORDER

Application for anticipatory bail. The petitioners face allegations under Section 498 A I.P.C. They are husband and parents-in-law of the defacto complainant. Crime has been registered on the basis of a complaint filed by the defacto complainant before the police. Investigation is in progress. The petitioners apprehend imminent arrest.

2. The marriage took place in 2004. The spouses have been blessed with one male child. Evidently there is strain in the matrimonial tie. The learned counsel for the petitioners submits that the petitioners are absolutely innocent. Strain in the matrimonial tie is prompting the defacto complainant to make false, exaggerated and fanciful allegations against the petitioners.

3. The learned counsel for the petitioners prays, the learned Public Prosecutor does not seriously oppose the said prayer and I am satisfied that in the facts and circumstances explained above, the petitioners can be granted anticipatory bail subject, of course, to appropriate conditions to be imposed in the interests of a fair, efficient and expeditious investigation. The learned Public Prosecutor has taken me through the wound certificate dated 21.06.07, which

shows the injury suffered by the defacto complainant on account of the incident which allegedly took place on 19.06.07.

4. In the result, the Bail Application is, allowed. The following directions are issued under Section 438 Cr.P.C.

i) The petitioners shall appear before the learned Magistrate at 11 a.m on 20.07.2007. They shall be enlarged on regular bail on their executing bonds for Rs.25,000/- (Rupees Twenty Five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m and 3 p.m on 21.07.2007 and 22.07.2007 and thereafter between 10 a.m and 12 p.m on all Mondays and Fridays for a period of two months. Subsequently the petitioners shall make themselves available for interrogation before the Investigating Officer as and when directed by the Investigating Officer in writing to do so;

iii) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law as if those directions were not issued at all;

iv) If the petitioners were arrested prior to their surrender on 20.07.07 as directed in clause (1) above, they shall be released on bail on their executing bonds for Rs.25,000/- (Rupees Twenty Five thousand only) each without any sureties undertaking to appear before the learned Magistrate on 20.07.07.

(R.BASANT, JUDGE)

rtr/-